

REMARKS:

This Amendment is submitted to improve the scope of coverage.

In the Office Action mailed December 13, 2004, the Examiner noted that claims 1 and 3-10 were pending and rejected all claims. Claims 3 and 7 have been cancelled and claim 1 has been amended. Claims 1, 4-6 and 8-10 remain pending for reconsideration which is requested. No new matter has been added. The Examiner's rejection is traversed below.

In the Office Action, at pages 3-4, claims 1, 4-6, and 8-10 were rejected under 35 U.S.C. §103 as being unpatentable over Walker '207 in view of Walker '270. This rejection is traversed and reconsideration is requested.

In this Amendment, the features of claims 3 and 7 are incorporated into claim 1. In rejecting the present invention's features formerly contained in claims 3 and 7, (see Paragraph 8 of Office Action Mailed January 15, 2002), the Examiner relied on Walker '207 to teach "the dealer purchased the market information " and "an accounting unit for charging the dealer when the dealer has purchased the market information posted at said posting unit" as set forth in claim 1. Specifically, the Examiner cited Col 13, Lines 1-22, Col. 12, Lines 35-53, and Col. 20, Lines 16-30 of Walker '207 as teaching these features.

The present invention is directed towards providing contact information about a consumer with a non-binding market interest in the goods of the dealer. The dealer must then purchase the identity information of the prospective purchaser. The present invention requires prior approval from the prospective buyer before the contact and identity information is released. The newly incorporated features of claim 1 are directed towards allowing the buyer to cancel the dealer purchase of non-binding market interest. If the buyer does not approve of the release, the identity data is not transferred to the dealer; whereas, the transfer occurs if the buyer approves of the dealer's access and the dealer is charged. In contrast, the Walker reference does not disclose or suggest the purchasing of market information by the dealer. The Walker '207 reference discloses a CPO database that would be freely accessible by dealers. No fee is charged to anyone unless the purchase transaction is completed. Furthermore, the Walker '207 reference is directed towards deriving revenue through buyer fees, percentage fees, and advertising fees. In contrast, the present invention is directed towards the seller paying a fee for the market information. Therefore, it is respectfully submitted that claim 1 is patentably distinguishable over the prior art.

The present invention also calls for a feature associated with providing contact information about a consumer with a non-binding market interest that allows the requirement of "prior approval" before the contact and identity information is released. The Examiner points to the prior approval for providing employment information of the employment search system of Walker '270. Walker '270 is about employment searches where privacy is important. Walker '207 is about a buyer issuing an offer where the ability of the buyer to follow through on the offer needs to be verifiable and the buyer wants to be able to obtain the goods and therefore wants to reassure the seller by providing information the seller needs. In fact, Walker '207 freely provides "complete details" about the buyer (see col. 19, lines 3-12) when requested by the seller for this purpose. To combine Walker '270 with Walker would destroy the purpose of Walker in reassuring the seller that the buyer can pay. It is submitted that Walker '207 and Walker '270 would not be combined for this reason.

The present invention further includes "an information extracting unit extracting, from the registered personal information, personal information to be disclosed to the dealer when access approval is confirmed" and "a pickup processing unit permitting the dealer to pickup the personal information extracted by the information extracting unit." The Examiner compares these features to the buyer database 255 of Walker '207 at col. 13, lines 1-53 and the ability of the seller to transmit a response directly to the buyer discussed at col. 19, lines 55-60. These portions of Walker '207 say nothing about a unit for extracting and a unit for permitting pickup. Walker '270 says nothing about this.

Walker '270 discusses a CPO (conditional purchase offer) that is binding upon the purchaser when the seller accepts the offer. In contrast, the present invention involves "non-binding market information that advertises a non-binding market interest of the consumer". Walker '270 says nothing about this and is about employment searches.

Walker '207 posts the CPO in a database and provides information about the buyer of the CPO. The information about the buyer as to the total information that is actually provided to the seller is not completely clear from the description of Walker '207 (see the discussions of col. 13, lines 23-29, col. 17, lines 48-64, col. 18, line 64-col. 19, line 11). However, it is clear that that at least contact information for the buyer is provided so that the seller can contact the purchaser directly to send the buyer the response to the CPO (see col. 19, lines 55-60). In contrast, the present invention withholds such contact information ("withholding from the dealers a portion of the personal information of the consumer necessary for a dealer to identify and contact the consumer about the viewed market information"). Walker '270 says nothing about this.

In Walker '270 if the seller wants additional information about the buyer, the seller can request the additional information and it is freely given (see "provides complete details" - col. 19, lines 3-12). In contrast, when the dealer wants the contact information of the consumer in the present invention the dealer must purchase the identity and contact information of the buyer ("purchasing and acquiring for a dealer, after the dealer has viewed the posted market information, the previously withheld portion of the personal information of the consumer necessary for the dealer to identify and contact the consumer about the viewed market information"). That is, to get the identity and contact information of the particular for non-binding market interest of the consumer, the dealer must purchase this particular information. That is, dealers purchase only the information that they need. Walker '207 does discuss fees but they are advertisers fees, or the fees are a flat fee for receiving all CPOs over a give period of time. Or the fee is a percentage price of the CPO or a percentage of the cost of the thing being bought. The percentage fee is not for information but for the actual purchase. The present invention allows the information provider to collect a fee for the contact information and then the dealer can collect separate a fee for a purchase of any product by the consumer that results from the contact information being provided to the dealer. Walker '270 says nothing about this.

For the above-discussed reasons, it is submitted that the invention of claims 1, 4-6 and 8-10 is patentable over the prior art.

If there are any additional fees associated with filing of this Preliminary Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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